



Riverside County Sheriff's Department

Chad Bianco, Sheriff-Coroner

4095 Lemon Street • Riverside • California • 92501
www.riversidesheriff.org

September 18, 2019

Emma Best
MuckRock News
Dept MR 80542
411A Highland Ave
Somerville, MA 02-144-2516
80542-18819141@requests.muckrock.com

Re: California Public Records Act (CPRA) Request, Pursuant to Cal. Gov't Code § 6250, et seq.

Dear Ms. Best

On September 17, 2019 the Riverside County Sheriff's Department received your requests based on the California Public Records Act ("CPRA" – Government Code §§ 6250 et seq.) Your original request is attached to this response determination letter and has been processed as follows:

The Riverside County Sheriff's Department response applies to one or more of the sections listed. Sections in red are responsive to your request.

☐ Records responsive to your request have been located and will be made available for inspection and/or copying during normal business hours. Moreover, copies of the requested records will be made available upon payment of the appropriate fees covering the costs of duplication as provided in Government Code § 6253(b). ***Please See Section I on page 2 for details.***

☒ We regret to inform you that it has been determined that there are no disclosable records that can be made available for inspection and/or copying in response to your request because

☐ Records do not exist. ***Please see Section II on page 2 for details.***

☐ The record does not belong to the Riverside County Sheriff's Department. ***Please see Section III on page 2 for details.***

☒ There are no disclosable records that can be made available for inspection and/or copying in response to your request on the basis that the records sought are exempt from disclosure under the CPRA. ***Please see Section IV on page 3 for details.***

☐ Records responsive to your request have been located and will be made available for inspection and/or copying during normal business hours. Moreover, copies of the requested records will be made available upon payment of the appropriate fees covering the costs of duplication as provided in Government Code § 6253(b).

However, it has also been determined that some records and/or portions of such records are exempt from disclosure under the California Public Records Act (Government Code § 6250 et seq.) and thus will be withheld or subject to redaction on the basis of the various grounds. ***Please see Section V on page 3 for details.***

Thank you for your interest in Riverside County Sheriff's Department records. If we can be of further assistance, please do not hesitate to contact me at: 951-955-2481

Sincerely,

CHAD BIANCO, SHERIFF

Lieutenant Jessica Vanderhoof
Professional Standards Bureau

CB: JV: cl

SECTION I: DISCLOSABLE RECORDS

SECTION II: RECORDS DO NOT EXIST

SECTION III: RECORD DOES NOT BELONG TO THE RIVERSIDE COUNTY SHERIFF'S DEPARTMENT

SECTION IV: NO DISCLOSABLE RECORDS EXEMPTIONS

<input type="checkbox"/> Government Code § 6254(a) <u>Request #</u>	<input type="checkbox"/> Government Code § 6254(k) <input type="checkbox"/> Read in conjunction with Evidence Code § 1040 <u>Request #</u>
<input type="checkbox"/> Government Code § 6254(b) <u>Request #</u>	<input type="checkbox"/> Read in conjunction with Article I, § 1 of the California Constitution <u>Request #</u>
<input type="checkbox"/> Government Code § 6254(c) <u>Request #</u>	<input type="checkbox"/> Read in conjunction with Evidence Code §§ 952 and 954 <u>Request #</u>
<input checked="" type="checkbox"/> Government Code § 6254(f) <u>Request #</u> Entire request	<input type="checkbox"/> Read in conjunction with Welfare and Institutions Code § 827 <u>Request #</u>
<input type="checkbox"/> Government Code § 6254(u) <u>Request #</u>	<input type="checkbox"/> Read in conjunction with the Federal Health Insurance Portability and Accountability Act ("HIPAA") and with the California Confidentiality of Medical Information Act ("CACMIA") <u>Request #</u>
<input type="checkbox"/> Government Code § 6254.29 <u>Request #</u>	<input type="checkbox"/> Read in conjunction with Penal Code §§ 832.5, 832.7 and 832.8, Evidence Code §§ 1043 and 1046 <u>Request #</u>
<input checked="" type="checkbox"/> Government Code § 6255 <u>Request #</u> See additional information page 4	<input type="checkbox"/> Read in conjunction with Penal Code § 1546 <u>Request #</u>

SECTION V: REDACTED RECORDS EXEMPTIONS

<input type="checkbox"/> Government Code § 6254(a) <u>Request #</u>	<input type="checkbox"/> Government Code § 6254(k) <input type="checkbox"/> Read in conjunction with Evidence Code § 1040 <u>Request #</u>
<input type="checkbox"/> Government Code § 6254(b) <u>Request #</u>	<input type="checkbox"/> Read in conjunction with Article I, § 1 of the California Constitution <u>Request #</u>
<input type="checkbox"/> Government Code § 6254(c) <u>Request #</u>	<input type="checkbox"/> Read in conjunction with Evidence Code §§ 952 and 954 <u>Request #</u>
<input type="checkbox"/> Government Code § 6254(f) <u>Request #</u>	<input type="checkbox"/> Read in conjunction with Welfare and Institutions Code § 827 <u>Request #</u>
<input type="checkbox"/> Government Code § 6254(u) <u>Request #</u>	<input type="checkbox"/> Read in conjunction with the Federal Health Insurance Portability and Accountability Act ("HIPAA") and with the California Confidentiality of Medical Information Act ("CACMIA") <u>Request #</u>
<input type="checkbox"/> Government Code § 6254.29 <u>Request #</u>	<input type="checkbox"/> Read in conjunction with Penal Code §§ 832.5, 832.7 and 832.8, Evidence Code §§ 1043 and 1046 <u>Request #</u>
<input type="checkbox"/> Government Code § 6255 <u>Request #</u>	<input type="checkbox"/> Read in conjunction with Penal Code § 1546 <u>Request #</u>

ADDITIONAL INFORMATION:

This determination is made pursuant to Government Code § 6254(f) which provides that law enforcement investigation, security and intelligence information file records of a local police agency are exempt from disclosure. Furthermore, as set forth in *Rivero v. Superior Court*, 54 Cal. App. 4th 1048 (1997) and *Williams v. Superior Court*, 5 Cal. 4th 337 (1993), the investigatory file exemption to the public records act request is not lost even where the investigation is deemed concluded or terminated. This request asks for personnel assignments in response to or accommodation of visits from officials in the federal government. This information is deemed confidential as it would jeopardize security and intelligence information.

This determination is made pursuant to Government Code § 6255 whereby withholding the records in question are exempt because under the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.

The instant request covers, at a minimum, an undeterminable amount of files compiled over an eighteen (18) year period. Such a request potentially embraces hundreds of thousands or even millions of pages of material. Disclosure efforts in response to the request would require the utilization of thousands of hours of staff time in retrieval, initial review, administrative oversight review, the segregation of exempt from nonexempt information and actual copying time efforts such that the burdens and costs of disclosure would be substantial. As such, the request is excessively overbroad based on the burdens and costs involved. See *County of Santa Clara v. Superior Court*, 170 Cal. App. 4th 1301, 1321 (2009). California law requires that a "specific and focused request" must be provided under the CPRA. See *California First Amendment Coalition v. Superior Court*, 67 Cal. App. 4th 159 (1998); *Rogers v. Superior Court*, 19 Cal. App. 4th 469 (1993). Moreover, a request may be objectionable as unduly burdensome where it requires an agency to search an enormous volume of data for a "needle in the haystack" or, conversely, where a request compels the production of a huge volume of material. See *California First Amendment Coalition v. Superior Court*, 67 Cal. App. 4th 159, 166 (1998).

If you have a more focused request such as a particular incident, date, or specific federal government individual we may be able to better assist you. Please submit an additional request that is more specific and focused.

Government Code Reference Sheet

Government Code § 6254(a)- provides that preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by the public agency in the ordinary course of business, if the public interest in withholding those records clearly outweighs the public interest in disclosure.

Government Code § 6254(b)- provides that records pertaining to pending litigation to which the public agency is a party, or to claims made pursuant to Government Code § 810 et seq., are exempt from disclosure until the pending litigation or claim has been finally adjudicated or settled.

Government Code § 6254(c)- provides that personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy is exempt from disclosure.

Government Code § 6254(f)- provides that law enforcement investigation, security and intelligence information file records of a local police agency are exempt from disclosure. Furthermore, as set forth in Rivero v. Superior Court, 54 Cal. App. 4th 1048 (1997) and Williams v. Superior Court, 5 Cal. 4th 337 (1993), the investigatory file exemption to the public records act request is not lost even where the investigation is deemed concluded or terminated.

Government Code § 6254(k)- read in conjunction with Evidence Code § 1040, provides that official information acquired in confidence by a public employee is exempt from disclosure.

Government Code § 6254(k)- read in conjunction with Article I, § 1 of the California Constitution provides that personal information details are subject to privacy rights that make such information exempt from disclosure.

Government Code § 6254(k)- read in conjunction with Evidence Code §§ 952 and 954 provides that attorney-client confidential communications, attorney work-product material and privileged material are exempt from disclosure.

Government Code § 6254(k)- read in conjunction with Welfare and Institutions Code § 827 provides that juvenile case file records are exempt from disclosure.

Government Code § 6254(k)- read in conjunction with the Federal Health Insurance Portability and Accountability Act ("HIPAA") statutory protections which provides that health care patient confidentiality and medical treatment details are exempt from disclosure.

Government Code § 6254(k)- read in conjunction with the California Confidentiality of Medical Information Act ("CACMLA") statutory protections which provides that health care patient confidentiality and medical treatment details are exempt from disclosure.

Government Code § 6254(k)- read in conjunction with Penal Code §§ 832.5, 832.7 and 832.8, Evidence Code §§ 1043 and 1046 which provide that peace officer or custodial officer personnel records information may only be obtained via the noticed motion procedure required by said statutes and therefore is exempt from disclosure.

Government Code § 6254(k) read in conjunction with Penal Code § 1546 which is the recently enacted Electronic Communications Privacy Act and provides confidentiality of electronic communications from disclosure.

Government Code § 6254.29 -provides that social security number information is exempt from disclosure.

Government Code § 6254(u)- provides that certain information contained in applications for licenses to carry firearms issued pursuant to Penal Code 12050 by a county sheriff are exempt from disclosure.

Government Code § 6255 -the records in question are exempt because under the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.

Huston, Brittany

From: 80542-18819141@requests.muckrock.com
Sent: Tuesday, September 17, 2019 8:01 AM
To: CPRA
Subject: California Public Records Act Request: Expenditures relating to visits from federal officials (Riverside County Sheriff)

CAUTION: This email originated from outside the **Riverside Sheriff** email system.
DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

Riverside County Sheriff
PRA Office
4095 Lemon Street
Riverside, CA 92501

September 17, 2019

To Whom It May Concern:

Pursuant to the California Public Records Act, I hereby request the following records:

Records describing, authorizing or mentioning expenses or personnel assignments in response to or accommodation of visits from officials in the federal government between January 1, 2001 and the present.

I am a member of the news media and request classification as such. I have previously written about the government and its activities, with some reaching over 100,000 readers in outlets such as Gizmodo, MuckRock, Motherboard, Property of the People, Unicorn Riot, and The Outline, among others. As such, as I have a reasonable expectation of publication and my editorial and writing skills are well established. In addition, I discuss and comment on the files online and make them available through non-profits such as the library Internet Archive and the journalist non-profit MuckRock, disseminating them to a large audience. While my research is not limited to this, a great deal of it, including this, focuses on the activities and attitudes of the government itself. As such, it is not necessary for me to demonstrate the relevance of this particular subject in advance.

As my primary purpose is to inform about government activities by reporting on it and making the raw data available, I request that fees be waived.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 10 calendar days, as the statute requires.

Sincerely,

Emma Best

Filed via MuckRock.com

E-mail (Preferred): 80542-18819141@requests.muckrock.com

Upload documents directly:

https://accounts.muckrock.com/accounts/login/?url_auth_token=AAAwWr1ZYs61CqFE5DkargQADkI%3A1iAEy0%3ALu5LdO_xNXMX8D3onO7QCh8owYU&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fiverside-county-sheriff-806%252Fexpenditures-relating-to-visits-from-federal-officials-riverside-county-sheriff-80542%252F%253Femail%253Dcpra%252540riversidesheriff.org

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News

DEPT MR 80542

411A Highland Ave

Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

